



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 01173-00  
9 June 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED], USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 27Jan00  
(2) PERS-311 memo dtd 2May00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the last sentence from block 43 ("Comments on Performance") of the enlisted performance evaluation report for 16 November 1996 to 15 November 1997. A copy of this report is at Tab A.

2. The Board, consisting of Messrs. Caron and Milner and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 8 June 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The sentence Petitioner wants removed reads as follows:

[Petitioner] has not demonstrated the managerial skills, technical expertise, or leadership ability necessary to garner a recommendation for advancement to Chief Petty Officer.

c. The performance evaluation report in question further shows that the reporting senior initially marked block 45 ("Promotion Recommendation") as "Progressing," but changed the mark to "Promotable." He also raised the marks in blocks 34 ("Quality of

Work") and 38 ("Teamwork") from "2.0" ("Progressing") to "3.0" ("Meets Standards"). Petitioner believes that since the reporting senior recommended him for promotion, the contested negative statement is contradictory and should be removed.

d. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that his request has merit and warrants favorable action.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by deleting the last sentence from block 43 ("Comments on Performance") of the enlisted performance evaluation report for 16 November 1996 to 15 November 1997, dated 1 December 1997 and signed by [REDACTED] USN. The sentence to be removed reads as follows:

*[Petitioner] has not demonstrated the managerial skills, technical expertise, or leadership ability necessary to garner a recommendation for advancement to Chief Petty Officer.*

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1173-00

1610  
PERS-311  
2 May 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the adverse comments be removed from his performance evaluation for the period 16 November 1996 to 15 November 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The performance evaluation in question is a Periodic/Regular report. The reporting senior made pen/ink changes by upgrading two performance trait marks, and the member's promotion recommendation from "Progressing to Promotable". The member is recommended for retention.

c. In view of the above, the comments in the last paragraph are not appropriate.

3. We recommend retention of the performance evaluation for the period 16 November 1996 to 15 November 1997, with deletion of the last paragraph in block-43: "Petty Officer [REDACTED] as not demonstrated the managerial skills, technical expertise, or leadership ability to garner a recommendation for advancement to Chief Petty Officer."

[REDACTED]  
Head, Performance  
Evaluation Branch